



State of Wisconsin  
2005 - 2006 LEGISLATURE

*John*

*Today*

LRBs0234/P4

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE SUBSTITUTE AMENDMENT,  
TO 2005 SENATE BILL 221

*Regen*

1 AN ACT *to amend* 48.67, 49.155 (1d) (a) and 49.45 (44) (intro.); and *to create*  
2 20.435 (3) (e), 46.515 (4) (b) 3., 121.02 (1) (L) 6. and 253.15 of the statutes;  
3 **relating to:** the provision of information regarding shaken baby syndrome and  
4 impacted babies to the parents of newborn infants, training regarding shaken  
5 baby syndrome and impacted babies for day care providers, and instruction  
6 regarding shaken baby syndrome and impacted babies for middle school and  
7 high school pupils; the identification of, and documentation of certain  
8 information concerning, shaken and impacted babies; granting rule-making  
9 authority; and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to

parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to receive reimbursement under the Wisconsin Works (W-2) program and for the employees and volunteers of those providers.

This substitute amendment creates similar requirements relating to shaken baby syndrome, which is defined in the substitute amendment as a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull and requirements relating to impacted babies, which is defined as babies that suffer death or great bodily harm as a result of being thrown against a surface, hard or soft. Specifically, the substitute amendment requires DHFS to prepare or to arrange with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby (nonprofit organization) to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies that include: information regarding the identification and prevention of shaken baby syndrome and impacted babies; the grave effects of shaking or throwing an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child.

The substitute amendment requires the parents of a newborn infant to be provided with a copy of those written materials as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home. That person is also required to make those audiovisual materials available for the parents to view.

2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated birth attendant within seven days after the birth of the infant. That person is also required to inform the parents of the availability of those audiovisual materials.

The substitute amendment also requires the person who provides those written materials to provide those parents with a form that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.

2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child.

to inform the parents of the availability of those  
audiovisual materials and

3. A statement that the parent will share that information with all persons who provide care for the infant.

In addition, the substitute amendment requires that training relating to shaken baby syndrome and impacted babies be provided:

1. Before an individual may obtain a license to operate a day care center for children under five years of age or enter into a contract with a school board to provide a day care program for children under five years of age, by DHFS or a nonprofit organization contracted by DHFS to provide that training.

2. Before an individual may be certified as a day care provider for children under five years of age under the W-2 program, by a county department of human services or social services (county department) or a nonprofit organization contracted by that county department to provide the training.

3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children under five years of age, by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or county department to provide that training.

The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by two years after the effective date of the substitute amendment, whichever is sooner, for an individual who on the day before the initial applicability date of the substitute amendment: 1) already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care program under a contract with a school board; or 4) is already an employee or volunteer of such a licensee, provider, or program.

In addition, the substitute amendment requires each school board to provide or arrange with a nonprofit organization to provide age-appropriate instruction relating to shaken baby syndrome and impacted babies for pupils in and one of grades 5 to 8 and in one of grades 10 to 12. The substitute amendment permits the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials prepared by DHFS or the nonprofit organization, a presentation of the audiovisual materials prepared by DHFS or the nonprofit organization, and an oral explanation of those written and audiovisual materials.

Moreover, the substitute amendment requires a county department or an Indian tribe that is providing home visitation services under DHFS's Child Abuse and Neglect Prevention Program or that is a provider of prenatal, postpartum, and young child care coordination services in Milwaukee County under the Medical Assistance program to provide to a recipient of those services, without cost, a copy of the written materials relating to shaken baby syndrome and impacted babies prepared by DHFS or the nonprofit organization and an oral explanation of those materials.

Finally, the substitute amendment requires DHFS to identify all infants and young children who have shaken baby syndrome or who are impacted babies and all infants and young children who have died as a result of being shaken or thrown by using the statewide automated child welfare information system (commonly referred

to as “WISACWIS”) and child fatality information compiled by the Department of Justice. For each infant or young child so identified, DHFS must document the age, sex, and other characteristics of the child that are relevant to the prevention of shaken baby syndrome and impacted babies and, if known, the age, sex, employment status, and residence of the person who shook or threw the infant or young child, the relationship of that person to the child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome and impacted babies.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2005–06	2006–07
<b>20.435</b>	<b>Health and family services, department</b>				
	<b>of</b>				
(3)	CHILDREN AND FAMILY SERVICES				
(e)	Shaken baby syndrome and				
	impacted babies prevention	GPR	A	68,200	68,200

**SECTION 2.** 20.435 (3) (e) of the statutes is created to read:

20.435 (3) (e) *Shaken baby syndrome and impacted babies prevention.* The amounts in the schedule for shaken baby syndrome and impacted babies prevention activities under s. 253.15.

**SECTION 3.** 46.515 (4) (b) 3. of the statutes is created to read:

46.515 (4) (b) 3. A county or Indian tribe that is providing home visitation program services under subd. 1. or 2. shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

**SECTION 4.** 48.67 of the statutes is amended to read:

1           **48.67 Rules governing child welfare agencies, day care centers, foster**  
2           **homes, treatment foster homes, group homes, shelter care facilities, and**  
3           **county departments.** The department shall promulgate rules establishing  
4           minimum requirements for the issuance of licenses to, and establishing standards  
5           for the operation of, child welfare agencies, day care centers, foster homes, treatment  
6           foster homes, group homes, shelter care facilities, and county departments. These  
7           Those rules shall be designed to protect and promote the health, safety, and welfare  
8           of the children in the care of all licensees. The department shall consult with the  
9           department of commerce ~~and, the department of public instruction, and the child~~  
10          ~~abuse and neglect prevention board~~ before promulgating ~~these those~~ rules. In  
11          establishing the minimum requirements for the issuance of licenses to day care  
12          centers ~~that provide care and supervision for children under one year of age, the~~  
13          department shall include a requirement that all licensees who are individuals and  
14          all employees and volunteers of a licensee who provide care and supervision for  
15          children receive, before the date on which the license is issued or the employment or  
16          volunteer work commences, whichever is applicable, training in the most current  
17          medically accepted methods of preventing sudden infant death syndrome, if the  
18          licensee, employee, or volunteer provides care and supervision for children under one  
19          year of age, and the training relating to shaken baby syndrome and impacted babies  
20          required under s. 253.15 (4), if the licensee, employee, or volunteer provides care and  
21          supervision for children under 5 years of age.

22           **SECTION 5.** 49.155 (1d) (a) of the statutes is amended to read:

23           49.155 (1d) (a) The department shall promulgate rules establishing standards  
24          for the certification of child care providers under s. 48.651. The department shall  
25          consult with the child abuse and neglect prevention board before promulgating those

1 rules. In establishing the requirements for certification under this paragraph of a  
2 child care provider ~~who provides care and supervision for children under one year~~  
3 ~~of age,~~ the department shall include a requirement that all providers and all  
4 employees and volunteers of a provider who provide care and supervision for children  
5 receive, before the date on which the provider is certified or the employment or  
6 volunteer work commences, whichever is applicable, training in the most current  
7 medically accepted methods of preventing sudden infant death syndrome, if the  
8 provider, employee, or volunteer provides care and supervision for children under  
9 one year of age, and the training relating to shaken baby syndrome and impacted  
10 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides  
11 care and supervision for children under 5 years of age. In establishing the  
12 requirements for certification as a Level II certified family day care provider, the  
13 department may not include any other requirement for training for providers.

14 **SECTION 6.** 49.45 (44) (intro.) of the statutes is amended to read:

15 49.45 (44) PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. (intro.)  
16 Providers in Milwaukee County that are certified to provide care coordination  
17 services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance  
18 recipients prenatal and postpartum care coordination services and care coordination  
19 services for children who have not attained the age of 7. A provider of those care  
20 coordination services shall provide to a person receiving those services the  
21 information relating to shaken baby syndrome and impacted babies required under  
22 s. 253.15 (6). The department shall provide reimbursement for ~~these~~ those care  
23 coordination services only if at least one of the following conditions is met:

24 **SECTION 7.** 121.02 (1) (L) 6. of the statutes is created to read:

(b) "Health care provider" means any person who is licensed, registered, permitted, or certified by the department of health and family services or the department of regulation and licensing to provide health care services in this state.

**SECTION 7**

121.02 (1) (L) 6. In one of grades 5 to 8 and in one of grades 10 to 12, provide pupils with the instruction on shaken baby syndrome and impacted babies described in s. 253.15 (5).

**SECTION 8.** 253.15 of the statutes is created to read:

**253.15 Shaken baby syndrome and impacted babies. (1) DEFINITIONS.**

In this section:

(a) "County department" means a county department of human services or social services under s. 46.215, 46.22, or 46.23.

(b) "Impacted baby" means an infant or young child who suffers death or great bodily harm as a result of being thrown against a surface, hard or soft.

(c) (d) "Nonprofit organization" means an organization described in section 501 (c) (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby.

(e) (d) "Shaken baby syndrome" means a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull.

(2) INFORMATIONAL MATERIALS. The department shall prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The

1 materials shall be prepared in English, Spanish, and other languages spoken by a  
2 significant number of state residents, as determined by the department. The  
3 department shall make those written and audiovisual materials available to all  
4 hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are  
5 required to provide or make available materials to parents under sub. (3) (a) 1., to  
6 all county departments and nonprofit organizations that are required to provide the  
7 materials to day care providers under sub. (4), and to all school boards and nonprofit  
8 organizations that are permitted to provide the materials to pupils in one of grades  
9 5 to 8 and in one of grades 10 to 12 under sub. (5). The department shall also make  
10 those written materials available to all county departments and Indian tribes that  
11 are providing home visitation services under s. 46.515 (4) (b) 1. or 2. and to all  
12 providers of prenatal, postpartum, and young child care coordination services under  
13 s. 49.45 (44). *those audiovisual materials*  
*, and shall make available for those parents to view*

14 (3) INFORMATION TO PARENTS. (a) 1. Before an infant who is born at or on route  
15 to a hospital or maternity home is discharged from the hospital or maternity home,  
16 the attending physician, the attending nurse midwife, or another trained,  
17 designated staff member of the hospital or maternity home shall provide to the  
18 parents of the infant, without cost to those parents, a copy of the written materials  
19 prepared under sub. (2) *and shall inform* *of the availability of the*  
20 audiovisual materials prepared under sub. (2).

21 2. Within 7 days after the birth of an infant who is born elsewhere than at or  
22 on route to a hospital or maternity home, the attending physician, the attending  
23 nurse-midwife, or a trained, designated birth attendant who attended the birth of  
24 the child shall provide to the parents of the infant, without cost to those parents, a



1 copy of the written materials prepared under sub. (2) and shall inform those parents  
2 of the availability of the audiovisual materials prepared under sub. (2).

3 (b) At the same time that the written materials and explanation are provided  
4 under par. (a) 1., or 2., the person who provides the written materials and  
5 explanation shall also provide the parent with a form prepared by the department  
6 in English, Spanish, and other languages spoken by a significant number of state  
7 residents, as determined by the department, that includes all of the following:

8 1. A statement that the parent has been advised as to the grave effects of  
9 shaking or throwing on an infant or young child and of appropriate ways to manage  
10 crying, fussing, or other causes that can lead a person to shake or throw an infant  
11 or young child.

12 2. A telephone number that the parent may call to obtain assistance on how to  
13 care for an infant or young child, which may be the telephone number of the infant's  
14 physician, the hospital or maternity home at or on route to which the infant was born,  
15 the nurse-midwife that attended the birth of the infant, if born elsewhere than at  
16 or on route to a hospital or maternity home, or a help line established by the hospital,  
17 maternity home, or nurse-midwife.

18 3. A statement that the parent will share the information specified in subds.  
19 1. and 2. with all persons who provide care for the infant.

20 (c) In preparing the form under par. (b), the department may not include in the  
21 form a signature line for the parent to sign or any other requirement that the parent  
22 sign the form.

23 (d) The person who provides the written materials and explanation under par.  
24 (a) 1. or 2. and the form under par. (b) shall include in the records of the hospital,  
25 maternity home, or nurse-midwife relating to the infant a statement that the

1 written materials, explanation, and form have been provided as required under pars.  
2 (a) 1. or 2. and (b) and that the audiovisual materials have been made available as  
3 required under par. (a) 1. or that the parents have been informed of their availability  
4 as required under par. (a) 2., whichever is applicable.

5 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license  
6 to operate a day care center under s. 48.65 for the care and supervision of children  
7 under 5 years of age or enter into a contract to provide a day care program under s.  
8 120.13 (14) for the care and supervision of children under 5 years of age, the  
9 individual shall receive training relating to shaken baby syndrome and impacted  
10 babies provided by the department or a nonprofit organization arranged by the  
11 department to provide that training. Before an individual may be certified under s.  
12 48.651 as a day care provider of children under 5 years of age, the individual shall  
13 receive training relating to shaken baby syndrome and impacted babies provided by  
14 the certifying county department or a nonprofit organization arranged by that  
15 county department to provide that training. Before an employee or volunteer of a day  
16 care center licensed under s. 48.65, a day care provider certified under s. 48.651, or  
17 a day care program established under s. 120.13 (14) may provide care and  
18 supervision for children under 5 years of age, the employee or volunteer shall receive  
19 training relating to shaken baby syndrome and impacted babies provided by the  
20 department, the certifying county department, or a nonprofit organization arranged  
21 by the department or county department to provide that training. The person  
22 conducting the training shall provide to the individual receiving the training,  
23 without cost to the individual, a copy of the written materials prepared under sub.  
24 (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral  
25 explanation of those written and audiovisual materials.

or health care provider

1 (5) INSTRUCTION FOR PUPILS. Each school board shall provide or arrange with  
2 a nonprofit organization to provide age-appropriate instruction relating to shaken  
3 baby syndrome and impacted babies for pupils in one of grades 5 to 8 and in one of  
4 grades 10 to 12. The person providing the instruction may provide to each pupil  
5 receiving the instruction a copy of the written materials prepared under sub. (2), a  
6 presentation of the audiovisual materials prepared under sub. (2), and an oral  
7 explanation of those written and audiovisual materials.

8 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS.  
9 A county department or Indian tribe that is providing home visitation services under  
10 s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care  
11 coordination services under s. 49.45 (44) shall provide to a recipient of those services,  
12 without cost, a copy of the written materials prepared under sub. (2) and an oral  
13 explanation of those materials.

14 (7) IMMUNITY FROM LIABILITY. (a) The department or a nonprofit organization  
15 specified under sub. (2) is immune from liability for any damages resulting from any  
16 good faith act or omission in preparing and distributing, or in failing to prepare and  
17 distribute, the materials specified in sub. (2).

18 (b) A hospital, maternity home, physician, nurse-midwife, other staff member  
19 of a hospital or maternity home, or other birth attendant attending the birth of an  
20 infant is immune from liability for any damages resulting from any good faith act or  
21 omission in providing or failing to provide the written and audiovisual materials  
22 specified in sub. (3) (a) or the form specified in sub. (3) (b).

23 (c) The department, a county department, or a nonprofit <sup>organization</sup> ~~agency~~ specified under  
24 sub. (4) is immune from liability for any damages resulting from any good faith act  
25 or omission in providing or failing to provide the training, written and audiovisual

, nonprofit organization, or health care provider specified  
under sub. (5)

1 materials, and the oral explanation specified in sub. (4). A school board is immune  
2 from liability for any damages resulting from any good faith act or omission in  
3 connection with the provision of or the failure to provide, the training, written and  
4 audiovisual materials, and oral explanation specified in sub. (4).

5 (d) A school board is immune from liability for any damages resulting from any  
6 good faith act or omission in providing or failing to provide the instruction and the  
7 written and audiovisual materials and oral explanation specified in sub. (5).

8 (e) A county department or Indian tribe that is providing home visitation  
9 services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and  
10 young child care coordination services under s. 49.45 (44) is immune from liability  
11 for any damages resulting from any good faith act or omission in providing or failing  
12 to provide the written materials and oral explanation specified in sub. (6).

13 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of health and  
14 family services shall identify all infants and young children who have shaken baby  
15 syndrome or who are impacted babies and all infants and young children who have  
16 died as a result of being shaken or thrown by using the statewide automated child  
17 welfare information system established under s. 46.03 (7) (g) and child fatality  
18 information compiled by the department of justice. For each infant or young child  
19 so identified, the department of health and family services shall document the age,  
20 sex, and other characteristics of the infant or young child that are relevant to the  
21 prevention of shaken baby syndrome and impacted babies and, if known, the age,  
22 sex, employment status, and residence of the person who shook or threw the infant  
23 or young child, the relationship of that person to the infant or young child, and any  
24 other characteristics of that person that are relevant to the prevention of shaken  
25 baby syndrome and impacted babies.

1           **SECTION 9. Nonstatutory provisions.**

2           (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;  
3           TRAINING; RULES; POSITIONS.

4           (a) *Preparation and distribution of informational materials.* By the first day  
5           of the 12th month beginning after the effective date of this subsection, the  
6           department of health and family services or a nonprofit organization, as defined in  
7           section 253.15 (1) ~~(b)~~ of the statutes, as created by this act, arranged by that  
8           department to prepare the informational materials specified in section 253.15 (2) of  
9           the statutes, as created by this act, shall prepare those informational materials and  
10          that department shall make those materials available as required under section  
11          253.15 (2) of the statutes, as created by this act.

12          (b) *Training for day care providers.*

13          1. Notwithstanding section 253.15 (4) of the statutes, as created by this act, the  
14          department of health and family services or a nonprofit organization, as defined in  
15          section 253.15 (1) ~~(b)~~ of the statutes, as created by this act, arranged by that  
16          department to provide the training required under section 253.15 (4) of the statutes,  
17          as created by this act, shall provide that training to all individuals who on the day  
18          before the first day of the 12th month beginning after the effective date of this  
19          subdivision, hold or have applied for a license under section 48.65 of the statutes to  
20          operate a day care center or are providing a day care program under a contract under  
21          section 120.13 (14) of the statutes, and to all employees and volunteers of that day  
22          care center or day care program who on that day are providing care and supervision  
23          for children, by no later than the continuation date of the license or the renewal date  
24          of the contract, whichever is applicable, or by 2 years after the effective date of this  
25          subdivision, whichever is sooner.

1           2. Notwithstanding section 253.15 (4) of the statutes, as created by this act, a  
2     county department, as defined in section 253.15 (1) (a) of the statutes, as created by  
3     this act, or a nonprofit organization, as defined in section 253.15 (1) ~~(b)~~ of the  
4     statutes, as created by this act, arranged by that county department to provide the  
5     training required under section 253.15 (4) of the statutes, as created by this act, shall  
6     provide that training to all individuals who on the day before the first day of the 12th  
7     month beginning after the effective date of this subdivision, are certified by that  
8     county department as day care providers under section 48.651 of the statutes or have  
9     applied for that certification, and to all employees and volunteers of that day care  
10    provider who on that day are providing care and supervision for children, by no later  
11    than 18 months after the effective date of this subdivision.

12           (c) *Rules.*

13           1. The department of health and family services shall submit in proposed form  
14    the rules required under section 48.67 of the statutes, as affected by this act, to the  
15    legislature under section 227.19 of the statutes no later than the first day of the 12th  
16    month beginning after the effective date of this subdivision. Before the date on which  
17    the rules are finally promulgated, the department of health and family services shall  
18    administer section 253.15 (4) of the statutes, as created by this act, according to  
19    policies and procedures established by that department, but not promulgated as  
20    rules, notwithstanding the absence of rules to administer that provision.

21           2. The department of workforce development shall submit in proposed form the  
22    rules required under section 49.155 (1d) (a) of the statutes, as affected by this act,  
23    to the legislature under section 227.19 of the statutes no later than the first day of  
24    the 12th month beginning after the effective date of this subdivision.  
25    Notwithstanding section 227.137 (2) of the statutes, the secretary of administration

1 may not require the department of workforce development to prepare an economic  
2 impact report for the rules required under section 49.155 (1d) (a) of the statutes, as  
3 affected by this act. Before the date on which the rules are finally promulgated, the  
4 department of workforce development shall administer section 253.15 (4) of the  
5 statutes, as created by this act, according to policies and procedures established by  
6 that department, but not promulgated as rules, notwithstanding the absence of rules  
7 to administer that provision.

8 (d) *Positions.* The authorized FTE positions for the department of health and  
9 family services are increased by 1.0 GPR position, to be funded from the  
10 appropriation under section 20.435 (3) (e), as created by this act, for the purpose of  
11 administering the shaken baby syndrome and impacted babies prevention activities  
12 specified in section 253.15 of the statutes, as created by this act.

13 **SECTION 10. Initial applicability.**

14 (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;  
15 TRAINING; INSTRUCTION.

16 (a) *Information to parents.* The treatment of section 253.15 (3) of the statutes  
17 first applies to infants born on the first day of the 12th month beginning after the  
18 effective date of this paragraph.

19 (b) *Training for day care providers.* The treatment of section 253.15 (4) of the  
20 statutes first applies to an individual who applies for a license to operate a day care  
21 center under section 48.65 of the statutes, who applies for certification as a day care  
22 provider under section 48.651 of the statutes, who enters into a contract to provide  
23 a day care program under section 120.13 (14) of the statutes, or who commences  
24 employment or volunteer work at a day care center, day care provider, or day care

1 program on the first day of the 12th month beginning after the effective date of this  
2 paragraph.

3 (c) *Instruction for pupils.* The treatment of section 253.15 (5) of the statutes  
4 first applies to instructional programs provided in the 2007–08 school year.

5 (d) *Information to home visitation or care coordination services recipients.* The  
6 treatment of section 253.15 (6) of the statutes first applies to home visitation services  
7 under section 46.515 (4) (b) 1. or 2. of the statutes or prenatal, postpartum, and young  
8 child care coordination services under section 49.45 (44) of the statutes provided on  
9 the first day of the 12th month beginning after the effective date of this paragraph.

10 (e) *Identification of shaken or impacted babies.* The treatment of section 253.15  
11 (8) of the statutes first applies to an infant or young child for whom information  
12 indicating that the infant or young child has shaken baby syndrome, as defined in  
13 section 253.15 (1) <sup>(e)</sup> of the statutes, as created by this act, or is an impacted baby,  
14 as defined in section 253.15 (1) <sup>(c)</sup> of the statutes, as created by this act, is entered  
15 into the statewide automated child welfare information system established under  
16 section 46.03 (7) (g) of the statutes, and to an infant or young child for whom child  
17 fatality information is compiled by the department of justice indicating that the  
18 infant or young child died as a result of being shaken or thrown, on the first day of  
19 the 12th month beginning after the effective date of this paragraph.

20 (END)



## Malaise, Gordon

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**From:** Kelly, Jessica  
**Sent:** Thursday, October 13, 2005 8:37 AM  
**To:** Malaise, Gordon  
**Subject:** FW: More Changes to Shaken Baby Legislation, Senate Bill 221

Comments?

**Jessica Ford Kelly**  
Office of Senator Julie Lassa  
State Capitol, Room 109 - South  
P.O. Box 7882  
Madison, WI 53707-7882  
608-266-3123  
1-800-925-7491 toll-free  
608-267-6797

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**From:** Onsager, Yvonne  
**Sent:** Wednesday, October 12, 2005 5:16 PM  
**To:** Kelly, Jessica  
**Subject:** RE: More Changes to Shaken Baby Legislation, Senate Bill 221

Jessica -

- As I was reviewing my notes, there are two more things that you may or may not want to consider as you are making changes to the bill. With the money provided in the bill, it may be very difficult for DHFS or the Board to prepare new audiovisual materials. Would you like to allow them to purchase already prepared materials (for example, some that are already being used in hospitals)? If so, I would suggest that you amend the bill to allow DHFS or the Board to either prepare audiovisual materials or purchase prepared audiovisual materials.
- ✓ Also, in addition to county approved curriculums, you will want to include DHFS approved curriculums for the licensed child care providers. Finally, you may want to consider extending immunity to the child care training programs with curriculums approved by DHFS or a county, to be consistent with other provisions in the bill.

Hope this is helpful,  
Yvonne

Yvonne M. Onsager  
Legislative Fiscal Bureau  
Phone: 608-266-3847  
Fax: 608-267-6873  
yvonne.onsager@legis.state.wi.us

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**From:** Kelly, Jessica  
**Sent:** Wednesday, October 12, 2005 3:33 PM  
**To:** Malaise, Gordon  
**Cc:** Onsager, Yvonne; Morgan, Charlie  
**Subject:** FW: More Changes to Shaken Baby Legislation, Senate Bill 221

Gordon, FYI.

Can these three changes be made asap to the 2nd P draft, then release the P draft as a sub so that Yvonne and Charlie can prepare a memo for Finance next week?

Thanks.

**Jessica Ford Kelly**

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**From:** Kelly, Jessica  
**Sent:** Wednesday, October 12, 2005 2:44 PM  
**To:** Schaeffer, Carole; Matzen, David; Tormey, Jessica; Dake, Brian; Smith, Heather; Popp, Sarah  
**Cc:** Hermes, Ron; Onsager, Yvonne; Morgan, Charlie; Sobocki, Mary A. DOC; Sampson, Norma; Rhodes-Engels, Judi  
**Subject:** More Changes to Shaken Baby Legislation, Senate Bill 221

Analysts from the Legislative Fiscal Bureau met with the Children's Trust Fund yesterday in preparation for next weeks Joint Finance Committee. At that meeting, it was discussed that perhaps the DHFS Public Health Educator position with relation to SBS Prevention would be better placed at Children's Trust Fund and NOT in DHFS. This point will be raised and "suggested" to members of the Joint Finance Committee through the LFB memo next week - which is something we would like to address ahead of time.

✓ As a result, Senator Lassa has decided to place the position at CTF and remove it from DHFS, making sure that the money is "earmarked" towards maintaining the hospital/new parent educational component at CTF.

My reason for emailing all of you is to find out if this is a problem for your bosses. I need to know ASAP so that LFB has time to prepare a memo to the Substitute Amendment and not to SB221 as originally drafted.

Other information/changes that we will be making are technical and were brought up by Fiscal Bureau staff as well. I'm assuming nobody will have a problem with these, but the way this bill has been morphed, I never know! These changes will be made to the P draft that is attached to this email.

(1) Page 10 lines 17 - 21 and all other instances of training relating to shaken baby syndrome....insert "or in a curriculum approved by the certifying county department". This language is apparently needed to capture counties who contract out their training programs.

(2) We need to ensure that "written information" that is disseminated by DPI, DHFS (CTF) can also be downloaded off the internet to ensure that we can keep the fiscal effects low for agencies. Yvonne Onsager from LFB stated that LRB has "a phrase" they insert into bills to ensure that electronic information is alluded to as a possibility.

<< File: 05s0234P2.pdf >>

**Jessica Ford Kelly**

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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0234/P2

GMM:kjf:ch

Fri 10/14 if possible  
If Fri not possible Mon 10/16 ASAP

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE SUBSTITUTE AMENDMENT,  
TO 2005 SENATE BILL 221

AN ACT *to amend* 48.67, 49.155 (1d) (a) and 49.45 (44) (intro.); and *to create*  
20.435 (3) (e), 46.515 (4) (b) 3., 121.02 (1) (L) 6. and 253.15 of the statutes;  
**relating to:** the provision of information regarding shaken baby syndrome and  
impacted babies to the parents of newborn infants, training regarding shaken  
baby syndrome and impacted babies for day care providers, and instruction  
regarding shaken baby syndrome and impacted babies for middle school and  
high school pupils; the identification of, and documentation of certain  
information concerning, shaken and impacted babies; granting rule-making  
authority; and making an appropriation.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to

(CANPB) →

(CANPB)

In addition, the Child Abuse and Neglect Prevention Board provides awards, awards grants and administers statewide projects for the prevention of child abuse and neglect.

parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to receive reimbursement under the Wisconsin Works (W-2) program and for the employees and volunteers of those providers.

This substitute amendment creates similar requirements relating to shaken baby syndrome, which is defined in the substitute amendment as a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull and requirements relating to impacted babies, which is defined as babies that suffer death or great bodily harm as a result of being thrown against a surface, hard or soft. Specifically, the substitute amendment requires DHFS to prepare, or to arrange with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby (nonprofit organization) to prepare, printed and audiovisual materials relating to shaken baby syndrome and impacted babies that include: information regarding the identification and prevention of shaken baby syndrome and impacted babies; the grave effects of shaking or throwing an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child.

The substitute amendment requires the parents of a newborn infant to be provided with a copy of those written materials as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home. That person is also required to inform the parents of the availability of those audiovisual materials and to make those audiovisual materials available for the parents to view.

2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated birth attendant within seven days after the birth of the infant. That person is also required to inform the parents of the availability of those audiovisual materials.

The substitute amendment also requires the person who provides those written materials to provide those parents with a form that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.

2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child.

The CANPB

to purchase or

under the substitute amendment

3. A statement that the parent will share that information with all persons who provide care for the infant.

In addition, ~~the substitute amendment requires that training relating to shaken baby syndrome and impacted babies be provided:~~ <sup>(use twice)</sup> <sup>(that is provided by)</sup>

1. Before an individual may obtain a license to operate a day care center for children under five years of age or enter into a contract with a school board to provide a day care program for children under five years of age, by DHFS or a nonprofit organization contracted by DHFS to provide that training.

2. Before an individual may be certified as a day care provider for children under five years of age under the W-2 program, by a county department of human services or social services (county department) or a nonprofit organization contracted by that county department to provide the training. <sup>(that is provided by)</sup>

3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children under five years of age, by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or county department to provide that training.

The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by two years after the effective date of the substitute amendment, whichever is sooner, for an individual who on the day before the initial applicability date of the substitute amendment: 1) already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care program under a contract with a school board; or 4) is already an employee or volunteer of such a licensee, provider, or program.

In addition, the substitute amendment requires each school board to provide or arrange with a nonprofit organization or health care provider to provide age-appropriate instruction relating to shaken baby syndrome and impacted babies for pupils in ~~and~~ <sup>one</sup> of grades 5 to 8 and in one of grades 10 to 12. The substitute amendment permits the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials, prepared by ~~DHFS~~ <sup>use 3 times</sup> or the nonprofit organization, a presentation of the audiovisual materials, prepared by ~~DHFS~~ <sup>use 3 times</sup> or the nonprofit organization, and an oral explanation of those written and audiovisual materials. <sup>3 times the CANPS prepared by</sup>

Moreover, the substitute amendment requires a county department or an Indian tribe that is providing home visitation services under DHFS's Child Abuse and Neglect Prevention Program or that is a provider of prenatal, postpartum, and young child care coordination services in Milwaukee County under the Medical Assistance program to provide to a recipient of those services, without cost, a copy of the written materials relating to shaken baby syndrome and impacted babies prepared by ~~DHFS~~ or the nonprofit organization and an oral explanation of those materials.

Finally, the substitute amendment requires DHFS to identify all infants and young children who have shaken baby syndrome or who are impacted babies and all infants and young children who have died as a result of being shaken or thrown by

the employee or volunteer must receive training in shaken baby syndrome and impacted babies that is approved or provided for

the individual must receive training relating to shaken baby syndrome and impacted babies that is approved or provided

use 3 times

③ 20.433 Child abuse and neglect prevention board

(1) PREVENTION OF CHILD ABUSE AND NEGLECT

using the statewide automated child welfare information system (commonly referred to as "WISACWIS") and child fatality information compiled by the Department of Justice. For each infant or young child so identified, DHFS must document the age, sex, and other characteristics of the child that are relevant to the prevention of shaken baby syndrome and impacted babies and, if known, the age, sex, employment status, and residence of the person who shook or threw the infant or young child, the relationship of that person to the child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome and impacted babies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2005-06      2006-07

~~20.435 Health and family services, department  
of  
(3) CHILDREN AND FAMILY SERVICES~~

(e) Shaken baby syndrome and

impacted babies prevention      GPR      A      68,200      68,200

③ 20.433(1)(e)  
SECTION 2. 20.435 (3) (e) of the statutes is created to read:

20.433(1)(e)

~~20.435 (3) (e)~~ Shaken baby syndrome and impacted babies prevention. The

amounts in the schedule for shaken baby syndrome and impacted babies prevention activities under s. 253.15.

SECTION 3. 46.515 (4) (b) 3. of the statutes is created to read:

46.515 (4) (b) 3. A county or Indian tribe that is providing home visitation program services under subd. 1. or 2. shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

1           SECTION 4. 48.67 of the statutes is amended to read:

2           **48.67 Rules governing child welfare agencies, day care centers, foster**  
3 **homes, treatment foster homes, group homes, shelter care facilities, and**  
4 **county departments.** The department shall promulgate rules establishing  
5 minimum requirements for the issuance of licenses to, and establishing standards  
6 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
7 foster homes, group homes, shelter care facilities, and county departments. These  
8 Those rules shall be designed to protect and promote the health, safety, and welfare  
9 of the children in the care of all licensees. The department shall consult with the  
10 department of commerce ~~and, the department of public instruction, and the child~~  
11 abuse and neglect prevention board before promulgating ~~these~~ those rules. In  
12 establishing the minimum requirements for the issuance of licenses to day care  
13 centers ~~that provide care and supervision for children under one year of age, the~~  
14 department shall include a requirement that all licensees who are individuals and  
15 all employees and volunteers of a licensee who provide care and supervision for  
16 children receive, before the date on which the license is issued or the employment or  
17 volunteer work commences, whichever is applicable, training in the most current  
18 medically accepted methods of preventing sudden infant death syndrome, if the  
19 licensee, employee, or volunteer provides care and supervision for children under one  
20 year of age, and the training relating to shaken baby syndrome and impacted babies  
21 required under s. 253.15 (4), if the licensee, employee, or volunteer provides care and  
22 supervision for children under 5 years of age.

23           SECTION 5. 49.155 (1d) (a) of the statutes is amended to read:

24           49.155 (1d) (a) The department shall promulgate rules establishing standards  
25 for the certification of child care providers under s. 48.651. The department shall

1 consult with the child abuse and neglect prevention board before promulgating those  
2 rules. In establishing the requirements for certification under this paragraph of a  
3 child care provider ~~who provides care and supervision for children under one year~~  
4 ~~of age,~~ the department shall include a requirement that all providers and all  
5 employees and volunteers of a provider who provide care and supervision for children  
6 receive, before the date on which the provider is certified or the employment or  
7 volunteer work commences, whichever is applicable, training in the most current  
8 medically accepted methods of preventing sudden infant death syndrome, if the  
9 provider, employee, or volunteer provides care and supervision for children under  
10 one year of age, and the training relating to shaken baby syndrome and impacted  
11 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides  
12 care and supervision for children under 5 years of age. In establishing the  
13 requirements for certification as a Level II certified family day care provider, the  
14 department may not include any other requirement for training for providers.

15 **SECTION 6.** 49.45 (44) (intro.) of the statutes is amended to read:

16 49.45 (44) PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. (intro.)  
17 Providers in Milwaukee County that are certified to provide care coordination  
18 services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance  
19 recipients prenatal and postpartum care coordination services and care coordination  
20 services for children who have not attained the age of 7. A provider of those care  
21 coordination services shall provide to a person receiving those services the  
22 information relating to shaken baby syndrome and impacted babies required under  
23 s. 253.15 (6). The department shall provide reimbursement for ~~these~~ those care  
24 coordination services only if at least one of the following conditions is met:

25 **SECTION 7.** 121.02 (1) (L) 6. of the statutes is created to read:



(a) "Board" means the child abuse and neglect prevention board.

1 121.02 (1) (L) 6. In one of grades 5 to 8 and in one of grades 10 to 12, provide  
2 pupils with the instruction on shaken baby syndrome and impacted babies described  
3 in s. 253.15 (5).

4 SECTION 8. 253.15 of the statutes is created to read:

5 **253.15 Shaken baby syndrome and impacted babies. (1) DEFINITIONS.**

6 In this section:

7 (b) (a) "County department" means a county department of human services or  
8 social services under s. 46.215, 46.22, or 46.23.

9 (c) (b) "Health care provider" means any person who is licensed, registered,  
10 permitted, or certified by the department of health and family services or the  
11 department of regulation and licensing to provide health care services in this state.

12 (d) (c) "Impacted baby" means an infant or young child who suffers death or great  
13 bodily harm as a result of being thrown against a surface, hard or soft.

14 (e) (d) "Nonprofit organization" means an organization described in section 501 (c)  
15 (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby  
16 syndrome and impacted babies and the support of families affected by shaken baby  
17 syndrome or an impacted baby.

18 (f) (e) "Shaken baby syndrome" means a severe form of brain injury that occurs  
19 when an infant or young child is shaken forcibly enough to cause the brain to rebound  
20 against his or her skull.

21 (2) INFORMATIONAL MATERIALS. The <sup>board</sup>department shall <sup>purchase or</sup>prepare or arrange with  
22 a nonprofit organization to prepare printed and audiovisual materials relating to  
23 shaken baby syndrome and impacted babies. The materials shall include  
24 information regarding the identification and prevention of shaken baby syndrome  
25 and impacted babies, the grave effects of shaking or throwing on an infant or young

1 child, appropriate ways to manage crying, fussing, or other causes that can lead a  
2 person to shake or throw an infant or young child, and a discussion of ways to reduce  
3 the risks that can lead a person to shake or throw an infant or young child. The  
4 materials shall be prepared in English, Spanish, and other languages spoken by a  
5 significant number of state residents, as determined by the ~~department~~<sup>board</sup>. The  
6 ~~department~~<sup>board</sup> shall make those written and audiovisual materials available to all  
7 hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are  
8 required to provide or make available materials to parents under sub. (3) (a) 1., to  
9 all county departments and nonprofit organizations that are required to provide the  
10 materials to day care providers under sub. (4), and to all school boards and nonprofit  
11 organizations that are permitted to provide the materials to pupils in one of grades  
12 5 to 8 and in one of grades 10 to 12 under sub. (5). The ~~department~~<sup>board</sup> shall also make  
13 those written materials available to all county departments and Indian tribes that  
14 are providing home visitation services under s. 46.515 (4) (b) 1. or 2. and to all  
15 providers of prenatal, postpartum, and young child care coordination services under  
16 s. 49.45 (44). <sup>and to the department</sup>

17 (3) INFORMATION TO PARENTS. (a) 1. Before an infant who is born at or on route  
18 to a hospital or maternity home is discharged from the hospital or maternity home,  
19 the attending physician, the attending nurse midwife, or another trained,  
20 designated staff member of the hospital or maternity home shall provide to the  
21 parents of the infant, without cost to those parents, a copy of the written materials  
22 <sup>purchased or</sup> prepared under sub. (2), shall inform those parents of the availability of the  
23 <sup>purchased or</sup> audiovisual materials prepared under sub. (2), and shall make those audiovisual  
24 materials available for those parents to view.

10 The board may make available the materials required under this subsection  
to be made available by including those materials making those materials  
available at no charge on the board's Internet site.

2. Within 7 days after the birth of an infant who is born elsewhere than at or on route to a hospital or maternity home, the attending physician, the attending nurse–midwife, or a trained, designated birth attendant who attended the birth of the child shall <sup>purchased or</sup>provide to the parents of the infant, without cost to those parents, a <sup>purchased or</sup>copy of the written materials prepared under sub. (2) and shall inform those parents of the availability of the audiovisual materials prepared under sub. (2).

(b) At the same time that the written materials and explanation are provided under par. (a) 1., or 2., the person who provides the written materials and explanation shall also provide the parent with a form prepared by the <sup>board</sup>department in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the <sup>board</sup>department, that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.

2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child, which may be the telephone number of the infant's physician, the hospital or maternity home at or on route to which the infant was born, the nurse–midwife that attended the birth of the infant, if born elsewhere than at or on route to a hospital or maternity home, or a help line established by the hospital, maternity home, or nurse–midwife.

3. A statement that the parent will share the information specified in subds. 1. and 2. with all persons who provide care for the infant.

board

① (c) In preparing the form under par. (b), the ~~department~~ may not include in the  
2 form a signature line for the parent to sign or any other requirement that the parent  
3 sign the form.

4 (d) The person who provides the written materials and explanation under par.  
5 (a) 1. or 2. and the form under par. (b) shall include in the records of the hospital,  
6 maternity home, or nurse-midwife relating to the infant a statement that the  
7 written materials, explanation, and form have been provided as required under pars.  
8 (a) 1. or 2. and (b) and that the audiovisual materials have been made available as  
9 required under par. (a) 1. or that the parents have been informed of their availability  
10 as required under par. (a) 2., whichever is applicable.

11 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license  
12 to operate a day care center under s. 48.65 for the care and supervision of children  
13 under 5 years of age or enter into a contract to provide a day care program under s.  
14 120.13 (14) for the care and supervision of children under 5 years of age, the  
15 individual shall receive training relating to shaken baby syndrome and impacted  
16 that is approved or that is provided by babies provided by the department or a nonprofit organization arranged by the  
17 department to provide that training. Before an individual may be certified under s.  
18 48.651 as a day care provider of children under 5 years of age, the individual shall  
19 that is approved or receive training relating to shaken baby syndrome and impacted babies provided by  
20 that is provided by the certifying county department or a nonprofit organization arranged by that  
21 county department to provide that training. Before an employee or volunteer of a day  
22 care center licensed under s. 48.65, a day care provider certified under s. 48.651, or  
23 a day care program established under s. 120.13 (14) may provide care and  
24 supervision for children under 5 years of age, the employee or volunteer shall receive  
25 that is approved or training relating to shaken baby syndrome and impacted babies provided by the

1 department <sup>or</sup> the certifying county department <sup>that is provided by</sup> or a nonprofit organization arranged  
2 by the department or county department to provide that training. The person  
3 conducting the training shall provide to the individual receiving the training,  
4 without cost to the individual, a copy of the written materials <sup>purchased or</sup> prepared under sub.  
5 (2), a presentation of the audiovisual materials <sup>purchased or</sup> prepared under sub. (2), and an oral  
6 explanation of those written and audiovisual materials.

7 (5) INSTRUCTION FOR PUPILS. Each school board shall provide or arrange with  
8 a nonprofit organization or health care provider to provide age-appropriate  
9 instruction relating to shaken baby syndrome and impacted babies for pupils in one  
10 of grades 5 to 8 and in one of grades 10 to 12. The person providing the instruction  
11 may provide to each pupil receiving the instruction a copy of the written materials  
12 <sup>purchased or</sup> prepared under sub. (2), a presentation of the audiovisual materials <sup>purchased or</sup> prepared under  
13 sub. (2), and an oral explanation of those written and audiovisual materials.

14 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS.  
15 A county department or Indian tribe that is providing home visitation services under  
16 s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care  
17 coordination services under s. 49.45 (44) shall provide to a recipient of those services,  
18 without cost, a copy of the written materials <sup>purchased or</sup> prepared under sub. (2) and an oral  
19 explanation of those materials.

20 (7) IMMUNITY FROM LIABILITY. (a) The <sup>board,</sup> department <sup>or a nonprofit organization</sup>  
21 <sup>or a person from whom the board purchases the materials specified in sub. (2)</sup> is immune from liability for any damages resulting from any  
22 good faith act or omission in preparing and distributing, or in failing to prepare and  
23 distribute, the materials specified in sub. (2).

24 (b) A hospital, maternity home, physician, nurse-midwife, other staff member  
25 of a hospital or maternity home, or other birth attendant attending the birth of an

is immune from liability for any damages resulting from any good faith act or omission in approving, ~~or~~ providing, or failing to approve or provide that training, ~~those materials~~ and that explanation

infant is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the written and audiovisual materials specified in sub. (3) (a) or the form specified in sub. (3) (b). ~~or any other person that provides~~

(c) The department, a county department, ~~or~~ a nonprofit organization specified under sub. (4) ~~is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the training,~~ written and audiovisual materials, and the oral explanation specified in sub. (4). A school board is immune from liability for any damages resulting from any good faith act or omission in connection with the provision of or the failure to provide, the training, written and audiovisual materials, and oral explanation specified in sub. (4).

(d) A school board, nonprofit organization, or health care provider specified under sub. (5) is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the instruction and the written and audiovisual materials and oral explanation specified in sub. (5).

(e) A county department or Indian tribe that is providing home visitation services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the written materials and oral explanation specified in sub. (6).

(8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of health and family services shall identify all infants and young children who have shaken baby syndrome or who are impacted babies and all infants and young children who have died as a result of being shaken or thrown by using the statewide automated child welfare information system established under s. 46.03 (7) (g) and child fatality information compiled by the department of justice. For each infant or young child

so identified, the department of health and family services shall document the age, sex, and other characteristics of the infant or young child that are relevant to the prevention of shaken baby syndrome and impacted babies and, if known, the age, sex, employment status, and residence of the person who shook or threw the infant or young child, the relationship of that person to the infant or young child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome and impacted babies.

child abuse and neglect prevention board shall make

### SECTION 9. Nonstatutory provisions.

(1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS; TRAINING; RULES; POSITIONS.

Preparation

Availability

(a) ~~Preparation and distribution of informational materials.~~ By the first day of the 12th month beginning after the effective date of this subsection, the department of health and family services or a nonprofit organization, as defined in section 253.15 (1) (d) of the statutes, as created by this act, arranged by that department to prepare the informational materials specified in section 253.15 (2) of the statutes, as created by this act, shall prepare those informational materials and that department shall make those materials available as required under section 253.15 (2) of the statutes, as created by this act.

(b) Training for day care providers.

1. Notwithstanding section 253.15 (4) of the statutes, as created by this act, the department of health and family services or a nonprofit organization, as defined in section 253.15 (1) (d) of the statutes, as created by this act, arranged by that department to provide the training required under section 253.15 (4) of the statutes, as created by this act, shall provide that training to all individuals who on the day before the first day of the 12th month beginning after the effective date of this

ensure shall ensure that the training required under section 253.15 (4) of the statutes, as created by this act, is provided

subdivision, hold or have applied for a license under section 48.65 of the statutes to operate a day care center or are providing a day care program under a contract under section 120.13 (14) of the statutes, and to all employees and volunteers of that day care center or day care program who on that day are providing care and supervision for children, by no later than the continuation date of the license or the renewal date of the contract, whichever is applicable, or by 2 years after the effective date of this subdivision, whichever is sooner.

2. Notwithstanding section 253.15 (4) of the statutes, as created by this act, a county department, as defined in section 253.15 (1) (a) of the statutes, as created by this act, or a nonprofit organization, as defined in section 253.15 (1) (d) of the statutes, as created by this act, arranged by that county department to provide the training required under section 253.15 (4) of the statutes, as created by this act, shall provide that training to all individuals who on the day before the first day of the 12th month beginning after the effective date of this subdivision, are certified by that county department as day care providers under section 48.651 of the statutes or have applied for that certification, and to all employees and volunteers of that day care provider who on that day are providing care and supervision for children, by no later than 18 months after the effective date of this subdivision.

(c) *Rules.*

1. The department of health and family services shall submit in proposed form the rules required under section 48.67 of the statutes, as affected by this act, to the legislature under section 227.19 of the statutes no later than the first day of the 12th month beginning after the effective date of this subdivision. Before the date on which the rules are finally promulgated, the department of health and family services shall administer section 253.15 (4) of the statutes, as created by this act, according to



1 policies and procedures established by that department, but not promulgated as  
2 rules, notwithstanding the absence of rules to administer that provision.

3 2. The department of workforce development shall submit in proposed form the  
4 rules required under section 49.155 (1d) (a) of the statutes, as affected by this act,  
5 to the legislature under section 227.19 of the statutes no later than the first day of  
6 the 12th month beginning after the effective date of this subdivision.  
7 Notwithstanding section 227.137 (2) of the statutes, the secretary of administration  
8 may not require the department of workforce development to prepare an economic  
9 impact report for the rules required under section 49.155 (1d) (a) of the statutes, as  
10 affected by this act. Before the date on which the rules are finally promulgated, the  
11 department of workforce development shall administer section 253.15 (4) of the  
12 statutes, as created by this act, according to policies and procedures established by  
13 that department, but not promulgated as rules, notwithstanding the absence of rules  
14 to administer that provision.

ch. 12 abuse and neglect prevention board

15 (d) *Positions.* The authorized FTE positions for the ~~department of health and~~  
16 ~~family services~~ are increased by 1.0 GPR position, to be funded from the  
17 appropriation under section ~~20.435 (3) (e)~~ <sup>20.433 (1) (e) of the statutes</sup> as created by this act, for the purpose of  
18 administering the shaken baby syndrome and impacted babies prevention activities  
19 specified in section 253.15 <sup>(2) and (3)</sup> of the statutes, as created by this act.

## 20 SECTION 10. Initial applicability.

21 (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;  
22 TRAINING; INSTRUCTION.

23 (a) *Information to parents.* The treatment of section 253.15 (3) of the statutes  
24 first applies to infants born on the first day of the 12th month beginning after the  
25 effective date of this paragraph.

1           (b) *Training for day care providers.* The treatment of section 253.15 (4) of the  
2 statutes first applies to an individual who applies for a license to operate a day care  
3 center under section 48.65 of the statutes, who applies for certification as a day care  
4 provider under section 48.651 of the statutes, who enters into a contract to provide  
5 a day care program under section 120.13 (14) of the statutes, or who commences  
6 employment or volunteer work at a day care center, day care provider, or day care  
7 program on the first day of the 12th month beginning after the effective date of this  
8 paragraph.

9           (c) *Instruction for pupils.* The treatment of section 253.15 (5) of the statutes  
10 first applies to instructional programs provided in the 2007–08 school year.

11           (d) *Information to home visitation or care coordination services recipients.* The  
12 treatment of section 253.15 (6) of the statutes first applies to home visitation services  
13 under section 46.515 (4) (b) 1. or 2. of the statutes or prenatal, postpartum, and young  
14 child care coordination services under section 49.45 (44) of the statutes provided on  
15 the first day of the 12th month beginning after the effective date of this paragraph.

16           (e) *Identification of shaken or impacted babies.* The treatment of section 253.15  
17 (8) of the statutes first applies to an infant or young child for whom information  
18 indicating that the infant or young child has shaken baby syndrome, as defined in  
19 section 253.15 (1) (e) of the statutes, as created by this act, or is an impacted baby,  
20 as defined in section 253.15 (1) (d) of the statutes, as created by this act, is entered  
21 into the statewide automated child welfare information system established under  
22 section 46.03 (7) (g) of the statutes, and to an infant or young child for whom child  
23 fatality information is compiled by the department of justice indicating that the

1 infant or young child died as a result of being shaken or thrown, on the first day of  
2 the 12th month beginning after the effective date of this paragraph.

3 (END)